

FOOD ASSISTANCE PROGRAMS

EMERGENCY FOOD ASSISTANCE PROGRAMS (EFAP)

POLICIES & PROCEDURES MANUAL FOR

FOOD PANTRY CONTRACTORS & SUBCONTRACTORS

NOVEMBER 2015

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MANUAL INTRODUCTION

Manual Introduction

Welcome to the updated procedures manual for the Emergency Food Assistance Program (EFAP). This manual is written to assist Contracting Agencies and their respective Subcontractors in successfully administering EFAP. The effective date of this manual is July 1, 2015. This update includes general updates and additions. Please discard any previous EFAP procedures manuals you may have at your agency.

The Revised Code of Washington (RCW) Title 43.23.290 designates the Washington State Department of Agriculture (WSDA) to be the State agency responsible for the distribution of commodities and administrative funds of The Emergency Food Assistance Program (TEFAP), the Commodity Supplemental Food Program (CSFP), and the State funded Emergency Food Assistance Program (EFAP). If any procedure or guideline is found to be in conflict with the RCW, the RCW will prevail.

These policies and procedures shall be expanded, as necessary, during the course of the program period. If changes are made, Contractors shall receive notice of changes through program update emails.

These policies and procedures are specific to EFAP and shall be followed by the Contractors and Subcontractors receiving assistance under EFAP. Compliance with subsequent modification to this manual is also mandatory for all Contractors and Subcontractors.

Please take the time to thoroughly review the manual with your staff working with the WSDA Food Assistance Programs. Your feedback is valued and extremely important. If you have questions, suggestions, changes or corrections regarding this manual, please let your WSDA Regional Representative know.

Washington State Department of Agriculture

Food Assistance Programs 1111 Washington ST SE PO Box 42560 Olympia, WA 98504-2560

Or e-mail to: foodassistance@agr.wa.gov

This manual is available on our website at: http://agr.wa.gov/FoodProg/PolicyProcedure.aspx. This manual is a work in progress and we encourage your involvement to make this manual a tool that is valuable to you as a WSDA Contractor.

With Appreciation,

The Food Assistance Programs Team

MISSION STATEMENT

Mission Statement

The Washington State Department of Agriculture's (WSDA) Food Assistance Programs assist local and tribal organizations in providing emergency food to low income and vulnerable individuals throughout Washington State. Our goals are to develop key partnerships and data-driven strategies to alleviate hunger and increase the amount of nutritious foods distributed through emergency food programs.

WSDA's Food Assistance Programs feed Washington's hungry by providing state and federal food and funding to food banks, food pantries, meal programs and tribes while supporting the agricultural community and promoting consumer and environmental protection.

We equitably distribute those food commodities made available to the State of Washington to qualified low income clients. In addition, provide service agencies throughout the state with the necessary framework to keep food assistance distributions flexible and responsive to client needs.

FOOD ASSISTANCE PROGRAMS OVERVIEW

Food Assistance Programs Overview

The Washington State Department of Agriculture (WSDA) provides service to the people of Washington by supporting the agricultural community and promoting consumer and environmental protection. The Food Assistance Programs is part of the Food Safety and Consumer Services Division which plays an active role in defending the safety, integrity, and availability of our food system.

WSDA's Food Assistance Programs provide approximately \$20 million worth of food and funding to support 500 food banks, food pantries, meal programs, tribes and tribal organizations. One in five Washingtonians receives food from food pantries that were supported with resources from WSDA. On average, a person needing food assistance visits a food pantry 6.5 times in a year, resulting in over 8.95 million visits. Tribes issue vouchers to over 3,661 families representing 9,526 people. On average, families receive vouchers twice a year.

CORE FUNCTIONS INCLUDE:

- Distributing U.S. Department of Agriculture (USDA) federal commodities.
- Providing state and federal funds to support food banks, food pantries, meal programs, tribes and tribal organizations.
- Helping partners leverage existing resources to create a collaborative statewide food assistance network.
- Providing technical assistance and information to community programs that deliver emergency food and services to hungry people.

THE FOOD ASSISTANCE PROGRAMS INCLUDE:

<u>Commodity Supplemental Food Program (CSFP)</u>

A federally funded USDA program that provides nutritious food "packages" designated specifically for the needs of low-income elderly people at least 60 years of age. (Limited availability)

Emergency Food Assistance Program (EFAP)

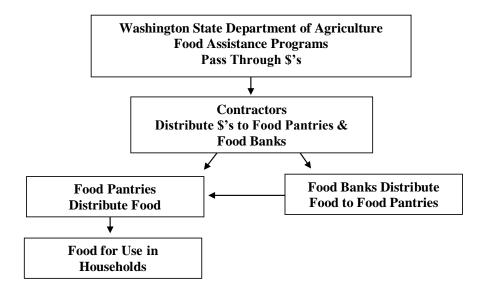
A state funded program that supports local providers with funding to help alleviate hunger for low-income children, adults, working poor, elderly and the homeless. Funding is flexible for food banks and food pantry providers; they may use their funding for the purchase of equipment or repairs, to purchase food and for operational costs. Tribal voucher programs may use a certain portion of funding for administrative and operational costs and at least 85 percent for the vouchers themselves. Tribes receiving funding may use it to help operate a food pantry or for tribal food vouchers.

FOOD ASSISTANCE PROGRAMS OVERVIEW

The Emergency Food Assistance Program (TEFAP)

A federally funded USDA program that helps supplement the diets of low-income Washingtonians, including elderly people by providing them with emergency food and nutrition assistance. TEFAP provides food and operational funding for distribution to non-profit organizations such as community action councils, food banks, food pantries, shelters and meal programs in Washington.

EFAP FOOD PANTRY FLOW CHART



FOOD ASSISTANCE PROGRAMS ADVISORY COMMITTEE

The WSDA Food Assistance Programs (FAP) Advisory Committee, which is part of the Washington Food Coalition, plays an important role in shaping how WSDA Food Assistance Programs (CSFP, EFAP-Food Pantry, EFAP-Tribal Voucher and TEFAP) can provide the most value to the food assistance provider network and to those whom they serve.

The FAP Advisory Committee is comprised of a Committee Chair, Vice Chair, Committee Members, WSDA staff and other interested parties. The Advisory Committee works on making recommendations for program policy changes and improvements, streamlining program processes and reviewing and suggesting changes in the food distribution system. To find out more about the Advisory Committee meetings and members please contact Washington Food Coalition or your WSDA FAP Regional Representative.

The Washington Food Coalition has set up a page on their website where notes and information from Committee meetings are posted for anyone interested in staying informed. Please visit http://www.wafoodcoalition.org/fap for more details.

FOOD ASSISTANCE PROGRAMS CONTACT INFO

Food Assistance Programs Contact Information

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DEFINITIONS

Definitions

Administrative Expenses – Management and general expenses to including membership dues that cannot be readily identified with a particular program.

Applicant – A public or private nonprofit organization, tribe, or tribal organization that applies for Emergency Food Assistance Program funding.

Authorized Representative – Means the WSDA Director and/or the designee authorized in writing to act on the Director's behalf.

Authorized Signature – Signature of the board president, tribal chairperson, agency director or other official authorized to sign.

Client – Means a person who is in need of emergency food because of economic circumstances and hunger; the term means the same as "Needy Persons" under 7 CFR 250.3 and includes all such persons regardless of whether the person is currently obtaining services from any Emergency Food Provider.

Contract – A legally binding agreement between the state and another entity, public or private, for the provision of goods and services. Agreements, letters of intent, memos of understanding, and contract awards are specific forms of contracts.

Contractor – An applicant that has been awarded state Emergency Food Assistance Program funds, and has entered into the Contract with the WSDA to provide emergency food assistance to individuals within a county, multi-county region, a tribe or tribes.

Coordinated Services – Making contact with and sharing information about other programs and establishing procedures for referring clients between food pantries and other services.

Current Fair Market Value – The value of equipment and supplies determined by selling them in a competitive market or by researching advertised prices for similar items on the used market. The current fair market value should be determined at the time the equipment and supplies are no longer needed by the Contractor or Subcontractor for EFAP operations regardless of when actual disposition takes place. Contractor or Subcontractor must research the current fair market value and provide a recommendation to WSDA. WSDA must approve the recommended value.

Desk Program Review – Conducting a program review of the Contractor's performance by requesting documentation to be mailed to WSDA staff for review at the desk of WSDA staff.

Debarment - The act of being suspended or being declared ineligible by any state or federal agency from participating in any transactions with them.

Emergency Food Assistance Program (EFAP) – The statewide activities of the WSDA to assist local emergency food programs by allocating and awarding state funds and subject to WAC 16-740.

Emergency Food - Food that is given to clients who do not have the means to acquire that food themselves, so that they will not go hungry.

Emergency Food Provider – A tribe or agency that provides clients with any kind of emergency food.

DEFINITIONS

Equipment – Any tangible nonexpendable personal property with a useful life of more than one year.

Federal Award Uniform Guidance – means 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, available at http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

Food Assistance Programs (FAP) – Washington State Department of Agriculture's (WSDA) Food Assistance Programs (FAP) assist local organizations and tribes in providing emergency food to low income and vulnerable individuals throughout Washington State. EFAP is one of the programs within FAP.

Food Bank - An institution that collects, warehouses, and distributes food, edible commodities or other product to food pantries, meal programs and other hunger relief organizations on a regional, county, or statewide basis.

Food Pantry - An emergency food assistance program that distributes unprepared food without charge to its clients.

Full service clients – For the purposes of EFAP, means clients who receive food bags with at least three of any of the five main food groups as identified by USDA.

In-Kind – The value of volunteer services or donated goods including staff time, rent, food, supplies and transportation.

Interested party – Any agency wishing to be considered for Contractor food pantry, and/or food bank.

Mobile Food Pantry – means a vehicle such as a "food truck" that travels on roadways within a designated service area and distributes food directly to clients. Any provision of the Contract that applies to a Food Pantry applies to Mobile Food Pantry.

New Client (unduplicated) – For the purposes of EFAP, means a client served by an Emergency Food Provider during the reporting period for the FIRST time in the current fiscal year.

Not-for-profit corporation – RCW 24.03 provides the code for nonprofits and states, "not for profit corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers; no members or directors may benefit. All nonprofits must be registered with WA Secretary of State.

On-Site Program Review – The physical act of going to a Contractor's location to conduct a program review for compliance.

Operational Expenses – Those costs that are clearly identifiable with providing direct services to eligible clients, or food bank distribution services to food pantries.

Participating Food Pantry – means a local public or nonprofit food pantry that provides emergency food assistance to clients and receives state or federal emergency food assistance funding or food through the Contractor.

Program Review – Any planned, ongoing, or periodic activity that measures and ensures Contractor compliance with the terms, conditions, and requirements of a contract. The level of monitoring for

DEFINITIONS

program reviews will be based on a risk assessment of the Contractor's ability to deliver services and its performance in delivering those services under the terms of the Contract.

RCW - Means Revised Code of Washington.

Returning Client (duplicated) – For the purposes of EFAP, means a client served by an Emergency Food Provider during the reporting period who the Emergency Food Provider previously served during the current fiscal year.

Risk Assessment – The process of evaluating exposure to harm or loss that could arise from an activity associated with the Contract. It consists of identifying and classifying risks based on certain characteristics, and measuring and evaluating the consequences of those risks.

Special Dietary Needs – Funds to purchase food that meets the nutritional needs of special populations. Special needs population includes infants under one year of age, children with disabilities, pregnant and lactating women, people with chronic diseases such as cancer and diabetes, people with acquired immune deficiency syndrome, people with lactose intolerance, people with chewing difficulties, alcoholics, intravenous drug users, and people with cultural food preferences. For reporting purposes, an SDN client is defined as one who has been given a food bag designed to meet his/her special nutritional needs.

State - Means the State of Washington.

Subcontractor – Means any association, tribe or organization that, by subcontract with the Contractor, is performing all or part of the services under the Contract. The term does not include the Contractor's employees. The term includes any Subcontractor in any tier.

Supplemental Clients – For the purposes of EFAP, means clients who receive only items that are comprised of fewer than three of the five food groups (e.g. a loaf of bread and some potatoes) and nothing else.

WAC - Means Washington Administrative Code.

WSDA - The Washington State Department of Agriculture or its successor agency if any.

QUALIFYING ELIGIBLE CLIENTS

POL - 100.1 Qualifying Eligible Clients

This policy applies to Contractors, Subcontractors and Tribal Contractors that use EFAP funds for a food pantry.

1. The WSDA Defines Eligible Client

- Eligible clients are persons who are not able to purchase enough food for their subsistence.
- This is the minimum eligibility standard required by the state.

2. Contractors and Subcontractors Can Create Additional Client Eligibility Standards

- Contractors and Subcontractors must apply these additional standards to all clients, without prejudice.
- These standards apply to volunteers and employees of the Contractor and Subcontractor.

3. Contractors and Subcontractors Must Have Written Eligibility Standards

- Must clearly identify the agency's eligibility standards, such as: service area boundaries, number of times a client may access services in a month or year, proof of address or any other standard.
- Each Subcontractor must provide to the Contractor a copy of their standards prior to receiving reimbursement for expenditures through EFAP or receiving services supported by EFAP.
- Written eligibility standards must be available for clients to view.
- The WSDA can request copies of standards.

4. Emergency Food Providers May Define Service Areas

Providers may self-define their service areas, but are urged to serve all clients the first time
they request assistance. Providers may refer clients to other service agencies servicing the area
in which the client resides, or to the tribe that has established jurisdiction over the area where
the individual lives, for further food pantry assistance.

5. All Providers Must Practice Nondiscrimination

The policy of the WSDA Food Assistance Programs is to not discriminate against any class of persons in all services to clients. WSDA expects local programs to provide food to every person who seeks it, regardless of their status as a member of any class of persons.

Under federal law, certain classes of persons have a right to file a federal discrimination complaint if a local program using federal resources discriminates against them. Washington's state nondiscrimination law also applies to local programs and prohibits discrimination on the bases of:

- Race
- Color
- National origin

QUALIFYING ELIGIBLE CLIENTS

- Age
- Sex
- Disability (any sensory, mental, or physical disability)
- Familial or parental status
- Marital status
- Political beliefs
- Creed
- Honorably discharged veteran or military status
- Sexual orientation (including gender identity)
- Use of a trained guide dog or service animal by a person with a disability
- All or part of the individual's income is derived from any public assistance program
- Reprisals

In addition to federal and state law, local programs may be subject to city or county nondiscrimination laws. For example, if your facility is a place of public accommodation in the City of Seattle, it may be subject to a nondiscrimination ordinance in the Seattle Municipal Code. Programs can check with their local government to confirm whether there are any local nondiscrimination laws.

Regardless of who are protected classes under law, however, food banks, food pantries, and meal programs are more likely to avoid a discrimination claim by following WSDA's policy to not discriminate against any class of people. The purpose of the program is not to judge a person's status but to feed hungry people.

As well as not discriminating against any class of people, providers must also adhere to the following:

- Employees and volunteers meeting the same eligibility requirements for services shall be given the same opportunity to receive services and shall be treated the same as other clients.
- They must treat all clients with dignity.
- They shall not require, request or accept payment or donations from clients for food received.
- They shall not practice evangelism or proselytize, request or require clients to participate in any kind of religious service as condition for receiving emergency food.
- They may not put religious literature in food bags, pray in the presence of clients or ask
 clients if they would like to pray before, during or after receiving food. Food Pantry activities
 must be totally separate from any religious activities.
- They may have religious literature on a table or counter that clients may voluntarily take separate from any food pantry items received.

PERFORMING OUTREACH AND NETWORKING

POL – 200.1 Performing Outreach and Networking Activities

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors Will Conduct Outreach Activities to Clients

All Contractors providing direct services and Subcontractors shall register with 211 Statewide Telephone Information and Referral Network system.

- A Food Pantry must register within 30 days of the effective start date of its Contract.
- To register, a food bank can call 211 in its area or register online at www.win211.org.
- A food pantry must prominently display the 211 number for the benefit of its customers.

Other networking activities may include:

- Posting information on EFAP food pantry services in public locations.
- Making food pantry information, including how to apply for food pantry services, available
 at public facilities, at tribal and government offices, hotlines, advocacy and community
 social service organizations.
- Issuing public service announcements about the program.

2. Contractors Will Network With Other Providers

Contractors will coordinate services with other advocacy and community services organizations. "Coordinate services with" is defined as making contact with these programs, sharing information about programs, and establishing procedures for referring clients between food pantries and the other services, such as:

- Local Supplemental Nutrition Assistance Programs (Food Stamps) and cash assistance programs
- School breakfast, lunch and summer feeding programs
- Women's advocacy organizations
- Rental Assistance programs
- Senior centers
- Area Agencies on Aging
- Organizations and associations for people with disabilities
- Rescue missions and emergency shelters
- Churches and religious organizations, such as the Salvation Army, St. Vincent DePaul
- Local Department of Social and Health Services programs
- Urban Leagues

PERFORMING OUTREACH AND NETWORKING

- Multi-cultural organizations
- Drug & alcohol treatment programs
- Local job training programs and local employment security offices
- Public transportation facilities

3. Contractors and Subcontractors Will Provide Information on Available Services to Clients

Information can be handouts, pamphlets, or a list of services clients can take home with them about programs. At a minimum this information must list other social services available to clients, such as:

- Local Basic Food and cash assistance programs
- Emergency housing, rental assistance and low-income housing
- Job training programs including the closest employment security office
- Child care assistance
- School breakfast, lunch and summer feeding programs
- Drug and alcohol treatment programs
- Public transportation and other transportation assistance
- Additional services that will help clients gain greater self-sufficiency
- Energy Assistance
- Senior services
- Services for people with handicaps
- Assistance for victims of crime and domestic violence

4. Contractors Are Responsible for Subcontractors Having Referral Information

Contractors are responsible for making sure that their Subcontractors have information to give to their clients. This may in the form of:

- Handouts or pamphlets that lists the services and locations.
- Pamphlets from each agency providing the above services that clients can take home with them.

ALLOWABLE ACTIVITIES AND EXPENSES

POL – 300.1 Allowable Activities and Expenses

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors Can Bill Only Allowable Activities and Expenses

Contractors and Subcontractors are allowed to use state funds for administrative and operational expenses, including direct service expenses and equipment purchases.

2. Contractor Shall Not Be Reimbursed for Unallowable Expenses

Funds awarded under the Contract shall not be used for:

- Activities not related to the food assistance program.
- Administrative expenses above the allowable ten percent of the Contract.
- Capital expenses for improvements or repairs over \$500.
- Payment of mortgages or leases with option to buy.

DETERMINE HOW TO SPEND EFAP FUNDS

POL – 300.2 Communities Determine How to Spend EFAP Funds

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractor and Food Pantries Together Make Funding Determinations

EFAP funding is flexible in how it can be used in each county. EFAP is a locally driven program. The Contractor and food pantries, including tribal food pantries applying under the county's Contractor within a county or multi-county Contractor service area, shall determine how to spend their EFAP funds at the community meeting. (See POL 400.1, Application Process)

- The county food pantries may choose to fund any one or any combination of the following: food pantry services, food bank services, equipment, special dietary needs purchases, and membership dues to organizations whose focus is anti-hunger and health issues.
- Two-thirds of the food pantries plus the Contractor must agree on how to allocate the funds, taking into account the needs of their communities.
- **Note:** WSDA recommends that the food pantry community financially support food banks with EFAP funds. WSDA recognizes these agencies are one of the largest suppliers of food in the state, and provide it at a minimum cost to food pantries.

2. Counties Can Determine Service Area Boundaries

- Food pantries within a county or multi-county region may agree to define their service area boundaries for the purpose of equitably allocating resources.
- Tribes may also establish service area boundaries for their food pantries,
- The WSDA urges providers to serve a client at least the first time, no matter where the client resides.
- If appropriate, the provider may then refer the client to the agency servicing the area in which the client resides, or the tribe that has established jurisdiction over the area where the individual lives, for further food pantry assistance.
- Providers must practice nondiscrimination when applying their service area policies.

3. <u>Using Funds for Special Dietary Needs Food</u>

- Food Pantries, Food Banks and Contractors may allocate funds for the purchase of special dietary needs (SDN) food to benefit clients with special needs.
- Those who elect to allocate funds for special dietary needs food will assess which clients
 with special dietary needs reside in their service area, and which of those groups are not
 adequately having their nutritional needs met by other social service programs.

DETERMINE HOW TO SPEND EFAP FUNDS

- The food pantries shall then determine which of those client groups to serve and purchase foods that best meet their clients' nutritional needs.
- A single food pantry may use a portion of its own funding for purchasing special dietary needs food if that food pantry has clients with special needs.
- The Contractor, the individual food pantries or the food bank(s) may procure the food.

4. Using Funds for Food Bank to Provide Food and Other Product

If food pantries in a Contractor area elect to allocate EFAP funds for food bank distribution services, Food Banks shall use their funds for costs related to soliciting, purchasing, storing and transporting food and other essential non-food products that they will make available to food pantries.

5. Food Pantries Can Use Funds to Issue Vouchers for Special Dietary Needs Clients

- Food Pantries can use allocated special dietary needs funds for issuing vouchers to their special dietary needs clients for the purchase of fresh produce.
- Note: In Food Pantry Contracts the value of vouchers is listed in the "Food Pantry
 Operations" category. Voucher expenses are defined as the face value of the vouchers issued
 to clients.

ALLOWABLE ADMINISTRATIVE EXPENSES

POL – 300.3 Allowable Administrative Activities and Expenses

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors Shall Bill Only Allowable Activities and Expenses

- Contractors, Subcontractors to include Food Pantries, Food Banks and Tribal Contractors are allowed to use state funds for administrative activities. Administrative activities are of a general nature not clearly identifiable with a particular program.
- Administrative activities include: planning, budgeting, accounting, human resources and the establishment and implementation of the Contractor's goals, policies, and objectives.

2. Administrative Expenses Are Limited

- Administrative expenses for Food Pantry Contractors are limited to 10 percent of the total Contract award.
- Administrative expenses for Food Pantry and Food Bank Subcontractors are limited to 10 percent of their allocation.
- Contractors and Subcontractors with a federally approved indirect rate may use that rate to charge administrative costs. However, the total admin charged for the year may not exceed the allowable 10 percent of the yearly award amount.
- Contractors providing direct emergency food assistance services are limited to 10 percent
 of the Contractor's allocation for providing direct services as a participating Food Pantry.
 However, total administrative costs when adding the 10 percent admin of the total Contract
 award as Contractor and the 10 percent admin of the food pantry award may not exceed 15
 percent of the total contract award.
- Contractors providing Food Bank services to distribute food are limited to 10 percent of the Food Bank allocation. However, total administrative costs when adding the 10 percent admin of the total Contract award as Contractor and the 10 percent admin of the Food Bank award may not exceed 15 percent of the total Contract allocation.
- Contractors providing both Food Pantry and Food Bank services are limited to a total administrative cost of 15 percent of the total Contract award.
- Costs not directly charged and that are spread among more than one program shall be charged to appropriate programs according to the agency's cost allocation plan.

3. Contractors and Subcontractors May Budget for Membership Dues

Up to one percent of EFAP funds may be budgeted as administrative costs for membership
dues to organizations whose concerns address emergency food assistance, anti-hunger,
nutrition and health issues.

ALLOWABLE ADMINISTRATIVE EXPENSES

• The membership dues will not be counted toward the maximum 10 percent allowed for administrative expenses.

4. Administrative Funds Returned Proportionate to Contract Budget

Contractors returning unexpended funds to WSDA during the Contract period shall return administrative funds in an amount proportionate to the Contract budget unless administrative funds have already been transferred to another budget category during the course of the Contract.

5. An Agency May Charge Its Indirect Costs in the Appropriate Proportion to EFAP Administrative Expenses

 The indirect charges may not exceed the ten percent of the Contract amount per year allowed for administrative costs.

6. Administrative Expenses May Include the Following Costs

- Salaries, wages and fringe benefits for administrative staff
- Office supplies and lease, rental and repairs of equipment
- Travel expenses for administrative staff
- Rental or lease of space
- Telephone, postage, mailing, printing, and copying
- Insurance and audit costs
- Minor building repairs or improvements up to \$500 per cost (**Note:** Major capital improvements and repairs are not allowed)

ALLOWABLE OPERATIONAL EXPENSES

POL – 300.4 Allowable Operational Activities and Expenses

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors Shall Bill Only Allowable Operational Activities and Expenses

Operational activities and expenses are those activities clearly identifiable with providing direct services to clients.

- Operational costs may can include:
 - Personnel costs salaries, wages and fringe benefits for personnel who are actually performing duties related to client service, including networking and outreach activities.
 - o Travel/Transportation mileage expense related to direct provision of services.
 - o Food purchases for distribution to clients.
 - Transportation costs to pick up and deliver food.
 - Space Costs rent or lease payments for facilities and costs of power, heat and water for space occupied by program staff and for storage and warehouse areas.
 - o Communication cost (telephone, mailing and printing) for direct program services.
 - Other operational costs, such as supplies, lease and repair of equipment directly related to providing services.
 - Computer purchases costing under \$5,000. EFAP is following the Uniform Guidance effective 12/26/14 that defines computer purchases costing under \$5,000 as operational costs.
- Up to 10 percent of food pantry, food bank or tribal food pantries' allocation may be used on the purchase of essential nonfood items. These items include: cleaning supplies, dental adhesive, deodorant, detergent, diapers, dish soap, facial tissue, feminine products, hand soap, paper towels, napkins, shampoo, shaving products, teeth/denture cleaner products, toilet paper, and toothbrushes.
- There is no limit on the percentage Contractors and Subcontractors may spend on operational costs.

2. Operational Expenses Returned Proportionally to Contract Budget

Contractors returning unexpended funds to WSDA shall return operational funds in an amount proportionate to the Contract budget unless operational funds have been transferred to another budget category during the course of the Contract.

ALLOWABLE EQUIPMENT PURCHASES

POL – 300.5 Allowable Equipment Purchases

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors Shall Bill for Only Allowable Equipment Purchases

- Equipment is defined as any tangible nonexpendable personal property with a useful life of
 more than one year. The purchase of any equipment to be used in the emergency food
 assistance program is an allowable expenditure.
- Though equipment is typically considered an administrative or operational expenditure, for the purposes of the Contract, equipment is considered a separate category. The exception is computer purchases costing under \$5,000. EFAP is following the Uniform Guidance effective 12/26/14 that defines computer purchases costing under \$5,000 as operational costs and therefore to be reported in the administrative, food pantry or food bank operational budget category.
- Equipment costing \$5,000 or more must be approved prior to purchasing using the Food Assistance Programs Equipment Purchase Request / Approval Form (AGR FORM 609-2204). Equipment Procurement Requirements and Guidelines (Publication No 609-454) can be found on the WSDA, Food Assistance Programs website at: http://agr.wa.gov/FoodProg/Forms.aspx.
- Programs must have written procurement and inventory policies for equipment and procedures for disposing of equipment. (See Policies 500.5 and 500.6 and Procedure 500.6A)

MATCH REQUIREMENTS

POL – 300.6 Match Requirements for EFAP Contract Awards

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Tribal Contractors Match

- Tribal Contractors and subcontracting tribes must at least match 35 percent of their EFAP Contract awards with funds from other sources.
- At least 50 percent of the minimum required match must be cash (hard match).
- The balance of the required match may be in-kind contributions (soft match).

2. Food Pantry Contractors and Food Bank Subcontractors Match

- Non-Tribal Contractors and Food Bank Subcontractors must at least equally match their EFAP Contracts with funds from other sources.
- At least 50 percent of the minimum required match must be cash (hard match).
- The balance of the required match may be in-kind contributions (soft match).

3. Food Pantry Subcontractors Have Two Ways to Meet Match Requirement

Non-Tribal Food Pantry Subcontractors can match their EFAP funds in two ways:

- They can equally match their EFAP funds with at least 50 percent of the minimum match required as cash (hard match) from other funding sources and the remainder from donated in-kind services (soft match). OR
- They can match EFAP funds with at least 200 percent of in-kind donations of food, labor, transportation and the like (soft match), if they do not have sufficient cash match.

4. Contractors and Subcontractors Determine In-Kind Values

In-kind contribution is the value that is placed on donated services, materials, equipment, food, and other, as determined by Contractor and Subcontractor. The determination is based on the following:

- Services/Labor Identify the number of hours provided, and the hourly value (to be
 determined by the agency, based on a fair market salary, minimum wage or
 WSDA's current suggested value of \$12.47 per hour). Calculate the total for each volunteer.
- Equipment/Supplies Use the amount the donor has declared. If not available, estimate a fair market value.
- Transportation Donated volunteer mileage is calculated at the current state rate. Use actual cost of donated transportation as declared from commercial carriers.
- Food Use \$1.73 per pound of food to estimate the value, or estimate a fair market value.

APPLICATION PROCESS

POL – 400.1 Application Process

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. EFAP Contracts Cover a Two-Year Period

EFAP Contracts shall begin the first day of the biennium, July 1, and end on the last day of the biennium, June 30.

2. The WSDA Distributes and Receives Applications

The WSDA shall:

- Notify Contractors by email when applications and subcontracts are posted to the FAP website in the spring.
- Maintain a statewide mailing list of emergency food programs, including tribes.
- Accept no more than one Contractor application per county for the county-based Food
 Pantry program throughout the state, except for King County where it may accept up to
 three.
- Accept Food Pantry applications directly from tribes electing to participate in the Food
 Pantry program that choose not to apply under the county-based Contractor. Tribes are
 encouraged to become Subcontractors with the county-based Contractor. However, tribes
 who are federally recognized may apply directly with the state if they meet the criteria.
 Unrecognized tribes must apply for the food pantry program through the county-based
 Contractor for their counties.

3. The WSDA Computes the Allocation of Funds to Counties

The WSDA computes food pantry program county allocations and tribal allocations to each county or tribe based on a formula determined by WSDA in consultation with the Food Assistance Program Advisory Committee.

4. The WSDA Computes the Allocation of Funds to Tribes

The formula for allocation of funds to tribes, in general, will be computed as follows:

- An agreed-upon baseline to all tribes participating in the program.
- The remaining funds based on other agreed-upon criteria that measure need.

5. The Formula for Allocation of Funds to Counties

The formula for allocation of funds to counties (non-tribal providers), in general, will be computed as follows:

APPLICATION PROCESS

- An agreed-upon baseline amount will be allocated to each county.
- The remaining funds will be allocated based on other agreed-upon criteria that measure need.

6. Specific Requirements Must Be Met in Applying for Funding

- Food pantries within a county are required to apply together under one Contractor application, with the exception of King County, where there may be up to three Contractors.
- Tribes that are federally recognized may apply directly to WSDA for the EFAP's food pantry program in recognition of their status as sovereign nations or choose to apply under the county-based Contractor.
- Tribes that are not federally recognized but are 501(c) 3's must apply for the EFAP food pantry program through their county-based Contractor.
- Tribes receive the same allocation whether they participate in the food pantry, voucher or both programs.
- Tribes participating in the food pantry program applying directly to the state must follow the same policies and procedures and meet the same requirements as non-tribal food pantry Contractors with the exception of being a 501(c) 3 and needing only a 35 percent match.
- All applicants must complete all forms and follow all procedures established by the WSDA.
- Applicants must adhere to all application and contract timelines specified by the WSDA
 when applying for funding. Failure to do so may result in denial of the funding request.
- Contractors requesting funding for themselves or one of their Subcontractors for equipment with a purchase price of \$5,000 or more per item are required to submit an Equipment Purchase Request/Approval (AGR FORM 609-2204). Equipment Procurement Requirements and Guidelines (Publication No 609-454) can be found on the WSDA, Food Assistance Programs website at: http://agr.wa.gov/FoodProg/Forms.aspx.
- All equipment must be listed in the equipment category of the application regardless of
 the cost if EFAP funds are to be used for any part of the purchase. The exception is
 computer purchases costing under \$5,000. EFAP is following the Uniform Guidance
 effective 12/26/14 that defines computer purchases costing under \$5,000 as operational
 costs and therefore to be reported in the administrative, food pantry operations or food
 bank operations budget category.

POL – 400.2 Selection of Contractor and Food Bank and Allocation of Funds

This policy applies to Contractors and Subcontractors, including tribes that choose to apply for food pantry funding under the county's Contractor.

1. Each County or Multi-County Region Must Have an EFAP Community Meeting

- Eligible participating food pantries, other interested parties, prospective Contractors and food banks for a county or multi-county region must meet prior to the due date for the EFAP application.
- The community EFAP meetings are required of all Subcontractors to receive funding.
 Contractors may excuse a food pantry from attending **only** if there is an extreme circumstance that prohibits the agency from sending a staff, volunteer or board member.
- At this meeting participants will make the following decisions:
 - The selection of a Contractor.
 - Whether funding any new food pantries would be a duplication of other food pantries' efforts. (Note: This is the only reason a new food pantry can be denied funding.)
 - o How to utilize the EFAP funds in each county. The possible uses are:
 - Allocate funds for each food pantry to use as they wish of the allowable expenditures.
 - Allocate funds for a food bank to provide food to food pantries.
 - Allocate funding for special dietary needs food to be purchased for all of the food pantries.
 - Allocate funds to pay for equipment to benefit all of the participants such as a walk-in freezer where all can store food or a truck that all can use to transport food.
 - Allocate dues to an organization that focuses on anti-hunger or nutrition issues.
 - How the EFAP funds will be allocated among the food pantries if the group agrees that some funding will be allocated to that budget category.
 - Selection of the food bank (s) (funds may be allocated to more than one food bank)
 - The meeting must include discussion about how the service area's food pantries will procure food.
- The current Contractor shall organize and conduct the meeting for its current service area and notify WSDA of the date, time and place.
- Every attempt must be made to schedule this meeting when all food pantries can attend.
- WSDA will provide guidelines for the agenda and discussion topics to the Contractor.
- The Contractor will be responsible for sending all participants the agenda, the guidelines and all applicable handouts.

- The Contractor must submit detailed minutes of the meeting with the application, including who was at the meeting, details of the discussions and the vote count for each decision.
- **Note:** Where there is a 2/3 vote required the vote must be 2/3 of the agencies that will be receiving EFAP funds, not 2/3 of those present at the meeting.

2. Selecting the Contractor and Food Bank

- Any agency that meets the eligibility criteria may compete to be the Contractor to manage the Contract.
 - Each county can only have one Contractor, except for King County, which can have up to three Contractors.
 - An agency may be the Contractor for more than one county, but each county must vote separately for their Contractor.
 - The eligible participating food pantries must elect a Contractor with at least a twothirds vote.
- Any Food Bank that meets the criteria may vie for Food Bank.
 - o A county may select more than one Food Bank to fund.
 - The eligible participating food pantries and new Contractor elect a Food Bank(s) with at least a two-thirds vote.
 - o If a Contractor is also a participating food pantry, they only have one vote.
- Prospective Contractors and Food Banks shall have the opportunity to present their proposals for providing services to the group prior to the voting.
- If multiple counties have selected the same Contractor in the past, that does not preclude any of the counties from selecting a different Contractor than the other counties for future contracts.

3. Allocating EFAP Funds

- All eligible participating food pantries and the new Contractor have the responsibility of
 deciding how to allocate the EFAP funds among the food pantry, food bank, equipment,
 SDN food purchases, and membership dues to the WA Food Coalition or other anti-hunger
 groups.
- At least two-thirds of the eligible participating food pantries and Contractor must agree on the allocation of funds.
 - o If a Contractor is also a participating food pantry, they only have one vote.
- Funds may be allocated to any category the food pantries consider the most beneficial for their area, from one of the categories to all of them.
- The Contractor alone decides if it will take 10 percent of the Contract total for administrative costs before the remaining funds are allocated.

- The group may wish to revisit how the funds are allocated towards the end of the meeting to be sure that all parties are satisfied with the allocation decisions.
- A multi-county area with the same Contractor may make decisions on how the funding is allocated as individual counties or as a combined block vote. With the latter case, at least 2/3 of all the food pantries involved must vote to do so. This would involve pooling all of the counties' funding into one single allocation for the combined counties and would be considered as a single allocation in computing the combined area's percentages to the various budget categories.
- If any county's food pantries would receive less money with this method, they have the
 option of not being included in the block vote. The other counties may continue to vote as
 a block.

4. Allocating Funds for Equipment

As a county or region, the group shall discuss any equipment purchases that benefit the entire service area.

- The shared equipment allocation shall be decided by a 2/3 vote of the eligible participating food pantries and new Contractor.
- The equipment allocation is taken off the top prior to funds being allocated to other categories if the purchase is to benefit the entire Contractor area.
- An individual Food Pantry, Contractor or Food Bank has the authority to decide on its own if it wishes to purchase equipment out of its own allocation.

5. Allocating Funds in the Food Pantry Category

- If funds are allocated to the food pantry category, the new Contractor and eligible participating food pantries shall collaborate in determining how to allocate those funds. This may be done by each county or as a block vote per #3 above.
- The formula for allocation must be based on the substantiated need documented by the participating food pantries.
- The group shall try to reach consensus. If this is not possible, at least two-thirds must agree on the allocation formula.

6. Selecting a Food Bank and Allocating Funds

- If the group elects to allocate funds to food bank(s), the new Contractor and eligible participating food pantries shall select their food bank(s) with a two-thirds vote either by county or as a block vote.
- The group will also work cooperatively in determining the conditions of the Food Bank subcontract. This may include such details as to when deliveries will be made, approximately what percentage of food each food pantry will receive and what kinds of food and essential non-food items shall be procured on behalf of the food pantries.

- The group may elect to allocate subcontracts to more than one food bank.
- The Contractor may serve as the Food Bank if it has that capacity.

7. Absentee Ballot Voting Allowed

- Food pantries may be excused from having a representative present at the meeting only in extreme cases. The Contractor has the authority to make this determination.
- Food pantries that cannot have a representative present at the meeting where the above decisions are to be made may submit an absentee ballot.
- An absentee ballot must be mailed or delivered to the agency calling the meeting, and be signed by the executive director or board president of the voting organization.
- The ballot must specifically state how the food pantry votes on the issues of Contractor, food bank, and allocation of funds.

8. Process When a Group Cannot Arrive at a Decision on One or More Issues

- Groups that cannot arrive at a two-thirds vote for the selection of Contractor, food bank and/or allocation of funds shall select a local, objective mediator to assist the group at another meeting in reaching a decision(s).
- The current Contractor must notify WSDA either in writing or by phone that this option is being exercised.
- The notice must include when and where the meeting is scheduled, who the mediator is and what issues are in question.
- When the meeting is completed, the Contractor has the responsibility to inform WSDA of the outcome. The group will have 30 days from the date of the original meeting to arrive at its decision(s).
- The Contractor may request that a WSDA representative be present at the follow-up meeting.

EFAP APPLICATION - COMMUNITY MEETING

PRO – 400.2A Procedure for Scheduling the Community Meeting for the EFAP Application

This procedure applies to Contractors and Subcontractors, including tribes who choose to apply for food pantry funds under the Contractor.

If any of these steps are determined to have been skipped, any party, including WSDA, the current Contractor or Food Bank, interested parties, or participating food pantries, may request of WSDA that another meeting be held to reconsider any of the votes.

Action By:	Action:
WSDA	WSDA will notify by email of upcoming biennium application packets to current Contractors at least six weeks prior to the date packets are due back to WSDA. Forms will be posted on the FAP website.
	WSDA must maintain a list of participating food pantries, past and present interested parties, including agencies that have directly contacted WSDA, and send all parties interested in being the Contractor an application packet.
Current Contractor and Participating Food Pantries	If a current Contractor or participating Food Pantry is contacted by an interested party (an agency wishing to be considered for Contractor and/or Food Bank), they must tell that party to notify WSDA of its interest in writing or by email.
Interested Party	If interested in becoming the Contractor, interested party must notify WSDA, in writing or email, prior to the biennial EFAP meeting being held in its declared service area.
WSDA	If interested in becoming the Food Bank, interested party must notify the current Contractor prior to the biennial meeting. If an interested party for Contractor has had no prior relationship with EFAP, WSDA will conduct a site visit before the community meeting to determine eligibility as a potential Contractor.
	WSDA will notify the interested party and current Contractor of its eligibility status in writing prior to the scheduled meeting.

EFAP APPLICATION - COMMUNITY MEETING

Action By:	Action:
Current Contractor	The current Contractor must schedule the biennial meeting, send notices to all food pantries currently receiving EFAP and those interested in receiving EFAP, current food bank(s), agencies interested in being the selected food bank, any agencies interested in becoming the Contractor and WSDA stating the date, time and place of the meeting in writing or email at least 14 days prior to the meeting.
	The Contractor must include with the meeting notice the EFAP Required Biennial Meeting Handout (AGR PUB 609-460) that explains the meeting process.
Interested Parties & Participating Food Pantries	Must email or call to RSVP to the Contractor if planning on attending the meeting.
Current Contractor	Contractor must follow up with participating food pantries and interested parties prior to the meeting to confirm their planned attendance if it has not received RSVPs from them.

CRITERIA FOR PROSPECTIVE CONTRACTORS

POL – 400.3 Criteria for Prospective Contractors and Tribal Food Pantry Contractors

This policy applies to Contractors and Tribal Contractors using EFAP funds for a food pantry.

1. Prospective Nontribal Contractors Must Be a Not-for-Profit Corporation

NOTE: RCW 24.03.005 "Not-for profit-corporation" or "nonprofit corporation" means a corporation no part of the income of which is distributable to its members, directors or officers.

- Prospective nontribal Contractors must be currently registered with the Secretary of State
 Office in Washington as a not-for-profit/nonprofit agency.
- Prospective nontribal Contractors must have had IRS 501(c)3 nonprofit status for at least one year prior to the beginning date of the contract date.
- Prospective Contractors that provide direct services must register with 211 Statewide
 Telephone Information and Referral System within 30 days of the start date of the Contract.

2. Non-Tribal Contractors Must Have Written Concurrence from Subcontractors

At least two-thirds of the food pantries in each county must select the Contractor.

3. Contractors Do Not Have to Provide Emergency Food Services

4. Tribal Food Pantry Contractors Must Be Federally Recognized Tribe

- Only a federally recognized tribe may apply directly to the State for food pantry funding. A
 federally recognized tribe may choose to apply for funding either directly with WSDA or
 through the county-based Contractor.
- If a tribe applying for food pantry funding is not a recognized tribe, it must apply for food pantry funds under the county-based Contractor, must have been a nonprofit 501(c)3 for at least a year and must be registered with the Secretary of State's office as a nonprofit agency.

5. Contractors or Tribal Contractors Shall Have Contracting Capabilities

Contractors or Tribal Contractors shall:

- Have management capabilities to administer a Contract with the WSDA.
- Have internal control and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds.
- Secure adequate fidelity insurance.

CRITERIA FOR PROSPECTIVE CONTRACTORS

- Have public liability insurance to protect against legal liability arising out of services under the Contract.
- All public or general liability, excess, umbrella, and property insurance policies shall name the State of Washington, Washington State Department of Agriculture (WSDA), its elected and appointed officials, agents and employees as additional insured's.
- Submit copies of Contractor Current Liability and Fidelity Insurance Certifications within 30 days of Contract execution to include the additional insured endorsement attached to certificate. The following is considered acceptable for additional insured endorsements for a designated person or organization: An ISO Standard Endorsement CG 2026 or equivalent. (Contractors shall keep copies of Subcontractors' certifications on file).
- Contractor shall indemnify, defend, and hold harmless and shall assure Subcontractors
 indemnify, defend, and hold harmless the Washington State Department of Agriculture, the
 State of Washington, its officers, employees and authorized agents from and against all
 claims or damages for injuries to persons or property or death arising from or incident to
 performance under the Contract. Contractors shall additionally ensure their Subcontractors
 will similarly indemnify, defend, and hold harmless the Contractor.
- WSDA will terminate the Contract if Contractor fails to timely secure and maintain insurance. In the alternative, WSDA may refuse to reimburse Contractor for any costs until Contractor submits evidence of insurance.
- Have an annual single audit if it receives federal funds totaling \$750,000 or more per year
 from all sources, or undergo an independent financial audit once every two years if it
 receives \$100,000 or more per year in state funds from all sources and does not get an
 annual single audit completed. Audits must include a Schedule of State Financial Assistance.
- If applicable, complete the Single Audit Exemption Form (AGR FORM 609-2207) which must be sent to WSDA within 30 days after the close of the Contractor's fiscal year.
- Contractor must submit a copy of its most recent audit report including any management letters with documentation showing how any problems (questioned costs, management findings, or inadequate internal controls) revealed by the audit were resolved. Required single audits shall be submitted yearly. Required financial audits shall be submitted at least once every two years and must cover the previous two years.
- If Contractor is not required to and does not have a completed single audit or financial audit as described above, Contractor shall complete and submit an Accounting System Verification Form (AGR FORM 609-2206) signed by an independent Certified Public Accountant every two years.
- Forms listed above may be found on the FAP website at http://agr.wa.gov/FoodProg/Forms.aspx.

Contractor's audits are due to WSDA within ten (10) days of execution of the FAP Combined Contract if not already submitted.

CRITERIA FOR PROSPECTIVE CONTRACTORS

6. Contractors Must Enter Into Subcontracts

Nontribal Contractors must enter into subcontract agreements with each food pantry participating in EFAP in its service area prior to providing them with food and or funding and have on file. These subcontracts on file must each include:

- Signed Face Sheet by both parties which must include a budget if funds are allocated to the food pantries.
- Completed matching funds worksheet.
- Evidence of adequate liability insurance. The Contractor may require the Subcontractors to co-insure the Contractor if it so wishes.
- Proof of 501(c) 3 status or that it is a recognized Tribe.
- Subcontractors must submit an Audit Requirement Form for Subcontractors (AGR FORM 609-2217).
- If applicable, an audit or Accounting System Verification Form (AGR FORM 609-2206).
- Written client eligibility standards.
- Written client privacy policies and client release forms.

7. All Contractors Shall Practice Nondiscrimination in Services and Employment

- Contractors must practice nondiscrimination in the employment of individuals and the delivery of services in all programs of the organization. All have the right to be free from discrimination because of race, creed, color, national origin, sex, honorably discharged veteran or military status, sexual orientation, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability and this is recognized as and declared to be a civil right.
- Tribes agree to comply with all state and federal laws regarding discrimination to the extent that those laws are applicable to the tribes for the activities that the tribes carry out pursuant to the Contract.
- Nothing in the Contract shall interfere with, or be construed as interfering with, tribes' employment and contracting processes regarding Tribal and Indian preference as allowed by law.

8. <u>Contractors Shall Not Have Been Debarred</u>

- By signing the Contract, the Contractor certifies that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any Federal or State department or agency from participating in transactions.
- Contractor shall notify WSDA within thirty 30 days of any exclusion from participating in transactions.
- The Contractor agrees to include the above requirement in all subcontracts into which it enters to complete the Contract.

CRITERIA FOR FOOD PANTRY SUBCONTRACTORS

POL – 400.4 Criteria for Food Pantry Subcontractors

This policy applies to food pantry Subcontractors.

1. Subcontractors Must Meet Criteria before Receiving EFAP Funding

The Contractor shall determine the eligibility of a new food pantry, including tribes, prior to subcontracts being issued. This should occur before the meeting at which the new Contractor is selected and allocation of EFAP funds is decided.

Prospective Subcontractor must:

- Be currently registered as a nonprofit agency with the Secretary of State Office in Washington.
- Be a food pantry for at least one year prior to the start of the Contract.
- Be a public agency, a recognized tribe, or a 501(c) 3 nonprofit agency.
- If a nonprofit agency, have had IRS 501(c) 3 nonprofit status for at least one year prior to the beginning date of the Contract date.

2. Subcontractors Must Coordinate Services and Adhere to Other EFAP Policies

Subcontractors must:

- Coordinate emergency food services with similar programs administered by the federal government, Washington State, and other community organizations.
- Have information available for clients about other resources such as job training, mental
 health and substance abuse counseling, emergency housing, rental assistance, cash
 assistance, child care and energy assistance.
- Have written client privacy policies and provide a copy to the Contractor prior to receiving services or reimbursement.
- Have written client eligibility standards and provide a copy to the Contractor prior to receiving services or reimbursement.
- Make reasonable effort to secure the services of volunteers and work training participants to supplement paid labor.
- Register with 211 Statewide Telephone Information and Referral System within 30 days of the start date of the Contract.

3. Subcontractors Must Secure Public Liability Insurance

Subcontractors must secure public liability insurance to protect against legal liability
arising out of services provided under the Contract and liability on vehicles used for
business purposes that includes a comprehensive indemnification clause holding

CRITERIA FOR FOOD PANTRY SUBCONTRACTORS

harmless the Contractor, the WSDA, the state of Washington, its officers, employees and authorized agents. If the Contractor so requires it, food pantries Subcontractor will coinsure the Contractor and provide the Contractor proof that it has done so. The following is considered acceptable for additional insured endorsements for a designated person or organization: An ISO Standard Endorsement CG 2026 or equivalent.

• The Contractor may require food pantry Subcontractors to also carry fidelity insurance, though this is not required.

4. Subcontractors Receiving Cash

Subcontractors receiving cash must:

- Have established internal controls and fund accounting procedures to assure the proper disbursement of, and accounting for, all funds provided.
- Provide the Contractor with an annual single audit if it receives federal funds (including the dollar value of USDA TEFAP and CSFP foods) totaling \$750,000 or more per year from all sources, or an independent financial audit once every two years if it receives \$100,000 or more per year in state funds from all sources. If neither of those apply, they must provide the Contractor with a completed Accounting System Verification Form (AGR FORM 609-2206) if its subcontract is \$20,000 or more in EFAP funding per year.
- If a Subcontractor receives federal funding, from any source, then Subcontractor must complete the Audit Requirement Form for Subcontractors (AGR FORM 609-2217). The form is to be sent to the Contractor within 10 days after the end of the Subcontractor's fiscal year.
- If a Subcontractor does not meet these criteria for receiving a cash contract, the Contractor may purchase food for the food pantry or directly pay the billing agents or vendors for the Subcontractor.

5. Subcontractors Shall Not Have Been Debarred

- By signing the Subcontract, the Subcontractor certifies that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any Federal or State department or agency from participating in transactions.
- Subcontractor shall notify the Contractor within 30 days of any exclusion from participating in transactions.

CRITERIA FOR FOOD BANK SUBCONTRACTORS

POL - 400.5 Criteria for Food Bank Subcontractors

This policy applies to Food Bank Subcontractors.

1. Food Banks Must Meet Criteria before Receiving EFAP Funding

- Must be a public agency or a private nonprofit with 501(c) 3 status and registered with WA Secretary of State as a nonprofit.
- Must be in operation as a food bank for at least one year prior to receiving funds from the WSDA.
- Must have the ability to generate resources and food in volume for distribution.
- Must possess warehouse facilities having a minimum space of 2,000 square feet, cold storage facilities having a minimum space of 1,000 cubic feet, and transportation capabilities.

2. Food Banks Must Have Contracting Capabilities

- Have established internal controls and fund accounting procedures to assure proper disbursement of, and accounting for, all funds provided, and must have adequate fidelity insurance.
- Provide the Contractor with an annual single audit if it receives federal funds (including the dollar value of USDA TEFAP and CSFP foods) totaling \$750,000 or more per year from all sources, or an independent financial audit once every two years if it receives \$100,000 or more per year in state funds from all sources. If neither of those apply, they must provide the Contractor with a completed Accounting System Verification Form (AGR FORM 609-2206) if its subcontract is \$20,000 or more in EFAP funding per year.
- If a Subcontractor receives federal funding, from any source, then Subcontractor must complete the Audit Requirement Form for Subcontractors (AGR FORM 609-2217). The form is to be sent to the Contractor within ten 10 days after the end of the Subcontractor's fiscal year.
- Will practice nondiscrimination in the employment of individuals and the delivery of
 services in all programs of the organization. All have the right to be free from
 discrimination because of race, creed, color, national origin, sex, honorably discharged
 veteran or military status, sexual orientation, age, or the presence of any sensory, mental,
 or physical disability or the use of a trained dog guide or service animal by a person with a
 disability and this is recognized as and declared to be a civil right.

3. Food Banks Must Secure Insurance

• Food banks must secure public liability insurance to protect against legal liability arising out of services provided under this Contract and liability on vehicles used for business purposes.

CRITERIA FOR FOOD BANK SUBCONTRACTORS

(See Food Bank Subcontract, Terms and Conditions, Section 13. Insurance of the Food Bank Subcontract for details on required amounts.) If the Contractor so requires it, Subcontractor food banks will co-insure the Contractor and provide the Contractor proof that it has done so. The following is considered acceptable for additional insured endorsements for a designated person or organization: An ISO Standard Endorsement CG 2026 or equivalent.

- Must secure adequate fidelity insurance. (See Food Bank Subcontract, Terms and Conditions, Section 13. Insurance of the Food Bank Subcontract for details on required amounts.)
- Must include a comprehensive indemnification clause holding harmless the Contractor, the WSDA, the state of Washington, its officers, employees and authorized agents.

4. Subcontractors Shall Not Have Been Debarred

- By signing the Subcontract, the Subcontractor certifies that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded in any Federal or State department or agency from participating in transactions.
- Subcontractor shall notify the Contractor within 30 days of any exclusion from participating in transactions.

PROGRAM ADMINISTRATION

POL – 500.1 Contractor's Program Management and Administration

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contract Amounts Based on the Availability of Funds and Allocation Formula

- Contract awards are based on the amount of EFAP funds available and the allocation formula approved by the WSDA.
- If there is a reduction or increase in the amount of program funds available, the WSDA may reduce or increase the amount of a Contractor's original award.
- Legislative actions usually result in reductions or increases in the amount of funds budgeted to EFAP. However, there may be other causes prompting a change in funding.
- Unless it is specifically identified where the reductions or increases must be taken or given, the WSDA will ask the Contractors to call a meeting or arrange for a conference call of all its Subcontractors (food pantries and food banks).
- At that meeting or during that call, the group will decide with a 2/3 vote how to implement the reductions or increases.
- With any increase or reduction in funding, the WSDA sends the Contractor a Contract amendment specifying the amount of the reduction or increase.
- The Contractor must also send an amendment to all affected Subcontractors indicating their budget changes where applicable.
- WSDA will issue more detailed instructions with any changes in funding.

2. Expenditures Are Limited by the Contract

Funds are allocated to each county by fiscal year. Expenditures are limited to the amounts on the Contract face sheet for each fiscal year, even though Contracts cover a two-year period.

- Funds not spent in the first year may not be carried over to the second year of the Contract
- Second year funds must not be spent in the first year.

3. <u>EFAP is a Reimbursement Program</u>

Costs are reportable for the month in which the expenditures are incurred.

 Incurred is defined as when a Contractor or Subcontractor becomes liable for a cost, which is further defined as when the purchase is made or the services have been rendered. Subcontractors must provide Contractor with all backup documentation of costs incurred.

PROGRAM ADMINISTRATION

- In the case of reimbursement for salary, the month in which an employee worked in the
 emergency food program, as indicated by the employee's time sheet is sufficient
 documentation for reimbursement.
- Contractor must reconcile monthly the costs they actually pay with what they billed WSDA
 if there is a discrepancy between the two.

4. <u>Contractors Must Have Required Documentation for Subcontractors on File</u>

Must have on file prior to receiving reimbursements from EFAP or services supported by EFAP the following:

- Copies of client privacy policies for Subcontractors providing direct client services.
- Copies of client eligibility standards.
- Current insurance certificates.
- Copy of 501(c)3 status.
- Copy of Washington Secretary of State Nonprofit Registration or Renewal.
- The Accounting System Verification Form (AGR FORM 609-2206) or audit, if applicable and if receiving cash reimbursements.
- Within 30 days of the effective date of the Subcontract, proof the Subcontractor is registered with the state's 211 Statewide Telephone Information and Referral Network System. This includes Contractors that provide direct client services.

5. <u>Contractors Must Provide Subcontractors with Program Information</u>

Contractors must:

- Pass through program information that affects the management of EFAP to its Subcontractors. This includes information on new, modified, and ongoing policies and procedures.
- Provide Subcontractors with a copy of EFAP's Policies and Procedures manual.
- Offer technical assistance to help Subcontractors carry out their EFAP obligations.

6. WSDA May Require Contractor to Attend Meetings or Trainings

Notification of required attendance at meetings will be sent by EFAP staff. These may include meetings for:

- Updating Contractor on policies or procedures.
- Providing information on changes in legislation affecting EFAP.
- Providing training that would result in better service to clients.

POL – 500.2 Required Expenditure and Data Reports

This procedure applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Non-Tribal Contractors Must Submit Monthly Expenditure Reports to WSDA

- These reports must include compiled costs by budget category, incurred for both
 themselves and their Subcontractors, including food pantries and food banks. On each
 monthly report, Contractors shall break out and report the amount spent on food
 purchases by food pantries, food banks and the Contractor. This shall include funding
 spent for Special Dietary Needs food.
- The Contractor shall include with each monthly expenditure report the EFAP detailed Expanded General Ledger indicating the EFAP costs charged each month by budget category in which they are charging costs.
 - For costs incurred by the Contractor the ledger must show each bill or cost incurred within the report month, though not every item purchased within that billing should be listed.
 - For Subcontractors' expenses, the Contractor shall include in the general ledger at least the aggregate amounts spent by all Food Pantries and Food Banks by budget category as indicated in the Budget section of the Contract.
 - WSDA staff may, at its discretion, occasionally ask for backup documentation for charged expenditures.
- Reports are due to WSDA by the 20th of the month following the month in which the costs were incurred. WSDA may require the last report of each fiscal year, the June's report, be submitted earlier than July 20th.
- Subcontractor food pantries and food banks must submit monthly reports to their Contractor summarizing their expenditures by budget category charged to EFAP each month by the date indicated by the Contractor.
- Subcontractor food pantries and food banks must submit backup expenditure documentation for each cost to Contractors with all expenditure reports.

2. Tribal Contractors Must Submit Expenditure Reports to WSDA

- These reports must include incurred costs, by budget category. On each report, Tribal Contractors shall break out and report the amount spent on food purchases by their own food pantry and food bank(s), if any. This shall include funding spent for Special Dietary Needs food.
- The Tribal Contractor shall include with each expenditure report the EFAP detailed Expanded General Ledger indicating the EFAP costs charged each month by budget category in which they are charging costs.

- The ledger must show each bill or cost paid within the report month, though not every item purchased within that billing should be listed.
- WSDA staff may occasionally ask for backup documentation for charged expenditures.
- Tribal Contractors have the option to submit reports to WSDA either monthly or quarterly.
- All tribal Contractors must identify the method they wish to use to submit the report, (monthly or quarterly) during the application process.
- Once a tribal Contractor selects a method it must use that method throughout the Contract
 period; they are not allowed to change their method between monthly and quarterly
 billings during the Contract period.
- Tribal Contractors providing monthly reports must submit reports to WSDA by the 20th of each month following the month the costs were incurred.
- Tribal Contractors providing quarterly reports must submit reports to WSDA by the 20th of the month following the end of each calendar quarter. Those dates are:
 - By October 20th, the first quarter reports, which includes the three reports for the July, August and September reports.
 - By January 20th, the second quarter reports, which includes October, November, and December.
 - o By April 20th, the third quarter reports, which includes January, February, and March.
 - $\circ\quad$ By July 20th, the fourth quarter reports, which includes April, May and June.
 - Those choosing to submit quarterly must keep monthly records of expenditures and client data and submit each month's report individually for the quarter.
- WSDA may require that the last reports of the fiscal year, whether monthly or quarterly, be submitted earlier than July 20th.

3. Contractors Must Submit Demographic Information to WSDA

For the purposes of demographic reporting there are three different groups of food pantry clients: Full service clients, supplemental clients and special dietary needs clients.

Full Service Clients: EFAP funded food pantries must report full service clients and are expected to supply full service clients with nutritionally balanced meals. Full Service food bags must include at least three of any of the five main food groups as identified by USDA.

Supplemental Clients: The WSDA also recognizes that food pantries sometime offer to clients' additional food that is not part of a complete food bag and this food provides clients with added nutrition and valuable calories. Supplemental clients are clients who receive only items that are comprised of fewer than 3 of the 5 food groups (e.g. a loaf of bread and some potatoes) and nothing else. In order to quantify the additional food that providers sometimes offer clients, providers have the option to additionally track supplemental clients and supplemental pounds of food.

Special Dietary Needs Clients: In addition, food pantries may track clients who receive special dietary bags, whether or not the food pantry uses EFAP funds to purchase SDN food. As identified by the WA State legislature, these groups include: Infants under one year of age, children with disabilities, pregnant and lactating women, people with chronic diseases such as cancer and diabetes, people with acquired immune deficiency syndrome, people with lactose intolerance, people with chewing difficulties, alcoholics, intravenous drug users, and people with cultural food preferences.

- All Contractors must submit monthly reports to WSDA summarizing for their service area
 the full service clients information, the corresponding number of pounds of food
 distributed by its food pantries to clients and the number pounds of food its food bank(s)
 delivered to the EFAP food pantries, if it has a subcontract with a food bank(s).
- Tribal Contractors must submit monthly or quarterly reports, depending on the report
 schedule they have chosen, summarizing the full service client information, the
 corresponding number of pounds of food it distributed to clients and the number pounds
 of food its food bank(s) delivered to the EFAP food pantries, if it has a subcontract with a
 food bank(s).
- Contractors have the option of additionally reporting supplemental clients and supplemental pounds of food distributed and special dietary needs clients.
- Subcontractor food pantries must submit monthly demographic information to their Contractor summarizing the number of full service clients served and the number of pounds of food it distributed to clients.
- Subcontractor food pantries have the option of additionally reporting supplemental clients served, supplemental pounds of food distributed and special dietary needs clients.
- The following client data must be reported by food pantry Subcontractors to their Contractors and the aggregate of this data by Contractors to WSDA:
 - The number of full service households and of clients served each month, returning (duplicate) and new (unduplicated) count, by age group.
 - o Number of pounds of food distributed to full service clients.
- The following data can be optionally reported:
 - Number of supplemental clients served each month, returning and new count, and pounds of food distributed to supplemental clients.
 - Note: Though clients receiving solely supplemental food must be tracked separately from full service clients, clients who pick up the supplemental items and the full service products must be included in the full service count only.
 - o Special Dietary Needs (SDN) clients served, new and returning
- Food Bank Subcontractors must submit to their Contractor the pounds of food distributed to EFAP food pantries each month.

4. Close-Out Report Required

- The Contractor must submit Closeout reports after the close of each fiscal year as required by the WSDA, during the transfer of obligations to another Contractor, or upon termination of the Contract for any reason.
- The final closeout report shall accurately reflect the work completed, the funds expended by the Contractor during the Contract period, the demographics required by WSDA and the reporting of the required match.
- Typically this report is due 45 days after the end of the fiscal year.
- Instructions and forms may be downloaded from the FAP website at http://agr.wa.gov/FoodProg/Forms.aspx.

5. The WSDA Issues the Forms Required for Submitting Reports by Contractors

- WSDA will develop the forms on which Contractors will report their expenditure and demographic information.
- WSDA will also develop courtesy reports for food pantry Subcontractors. The Contractor may use this form or develop its own Subcontractor report.
- Instructions and forms may be downloaded from the FAP website at http://agr.wa.gov/FoodProg/Forms.aspx.

6. Failure to Submit Expenditure and Data Reports

The WSDA may recapture unclaimed funds if Contractor does not submit expenditure and data reports in a timely manner.

- For monthly billers, if the Contractor fails to file an expenditure and data report within any two consecutive month period, the WSDA may elect to terminate the Contract.
- For quarterly billers, if the Contractor fails to file the three monthly expenditure and data reports for the quarter within 30 days of the end of the quarter, the WSDA may elect to terminate the Contract.
- Contractor may recapture unclaimed funds or terminate the subcontract with Subcontractor based on the same criteria.

7. Required Reports and Schedule of Submittals

Unless otherwise expressly required by a provision the Contract, Contractor shall adhere to the following schedule for reporting:

DUE DATE	EFAP REPORT
20th of the month following provision of services	 Nontribal & Tribal monthly reporting Contractors – Monthly Invoice / Request for Reimbursement Demographics – new and returning clients by age group and pounds of food data.
The 20th of the month following the quarter for the provision of services: October 20, January 20, April 20 and July 20.	 Tribal Only, quarterly reporting Contractors Quarterly Invoice / Request for Reimbursement Demographics – new and returning clients by age group and pounds of food data.
Forty-five days after the close of the fiscal year.	All Food Pantry & Tribal Contractors and Subcontractors – • Emergency Food Assistance Closeout Report
Upon request or as needed	SubcontractsOther reports & data as requested
Annually, 9 months following end of Contractor's fiscal year	 Single Audit Report, if applicable Financial Audit, if applicable and if Contractor is conducting an annual audit.
Every two years, 9 months following the end of Contractor's fiscal year	 Financial Audit or Accounting System Verification Form, if applicable
Within 30 days of Contract execution and thereafter upon each renewal.	 Insurance Certificates

Forms listed above may be downloaded from the FAP website at $\underline{\text{http://agr:wa.gov/FoodProg/Forms.aspx.}}$

FOOD SAFETY AND SANITATION REQUIREMENTS

POL – 500.3 Food Safety and Sanitation Requirements

This policy applies to all Food Pantry and Food Bank Subcontractors and Tribal Food Pantry Contractors.

1. All Must Adhere to Reasonable Safety and Sanitation Standards

Any program that provides either food bank or food pantry services must adhere to all applicable local, state and federal regulations on food safety and sanitation. These standards cover the areas of ground and warehouse maintenance, food storage and pest control.

- Properly control pests inside and outside.
- Use the assistance of a trained exterminator to set outside traps and bait stations, setting traps indoors. **NOTE:** Rodent pesticides are not to be used inside except with very serious infestations and never in close proximity to food.
- Do proper lawn care and weed control.
- Store equipment, pallets and trash receptacles away from the building, keeping grounds litter-free. Keep trash receptacles covered and clean.
- Keep doors and windows shut unless they are screened.
- Maintain the inside of buildings so that they are clean and in good repair.
- Adhere to good food safety practices so that foods are stored in a manner to protect them
 from spoilage, infestation, damage or other condition that may jeopardize the
 wholesomeness or safety of the foods.
 - o Move out the oldest food first.
 - Must be maintained in sanitary conditions, keep food storage areas and pallets clean.
 - Maintain proper temperatures and humidity, and with adequate air circulation of perishable foods. Cold storage must be maintained at between 33 and 40 degrees; frozen storage must be maintained at 0 degrees or lower.
 - Keep food off the floor and on pallets.
 - o Keep food 4-6 inches from the wall.
 - Keep cleaning agents and other toxic materials away from food, inspecting food for damage or contamination.
- Food safety: Foods that show signs of spoilage, infestation, or other visible defects should
 not be used or distributed, regardless of product dates or when the foods were received,
 as such food is generally considered not fit for human consumption.
- There must be hand-washing facilities with hot running water.

FOOD SAFETY AND SANITATION REQUIREMENTS

2. Non-Compliance to Safety and Sanitation Standards

 Providers who put the public's health at risk and do not adhere to these standards may be terminated from EFAP if they do not make the necessary improvements within 30 days of a notice from WSDA requiring compliance.

NOTE: Chapter 246-215 Washington Administrative Code (WAC), **Subpart D - Donated Food Distributing Organizations**, effective May 1, 2013 provides the safety standards for food pantries and food banks. The Food Code serves as the basis for food service rules in most states and provides Washington with rules that are more consistent with the national food safety standards. http://www.doh.wa.gov/Portals/1/Documents/Pubs/332-033.pdf

FOOD PROCUREMENT

POL - 500.4 Food Procurement

This policy applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Food Pantries Will Have a Food Procurement Priority System in Place.

Food pantries have an obligation to be good stewards of public funds, procuring food in the most cost-effective manner possible. WSDA monitors for compliance with this policy.

- Food pantries should attempt to acquire food in the following order when utilizing state funds:
 - Donations
 - Not-for-profit distributors
 - Wholesalers or food brokers
 - Discount retailers
 - Local retailers
- Contractors should have information on what food resources are available and the process for obtaining product from those resources.
- Contractors are responsible for monitoring their food pantries' compliance.
- Contractors must include discussion about how its service area food pantries will procure food at the EFAP meeting held with food pantries prior to submitting the biennial application.
- This discussion must be incorporated into the minutes of the meeting and submitted with the application.
- Food pantries should share information about resources, and should consider making purchases as a group where that would be most cost-effective.
- The State recognizes that there are circumstances benefiting a food pantry and those they serve when the above order for procurement might be overridden. Significant deviation from this policy must be justified and documented by the Contractor
 - An example of an acceptable deviation from this policy would be a small, rural food pantry that purchases most of its meat and eggs from a local grocery store at a reduced price where protein items are rarely donated to that food pantry or available from regional food banks. In exchange the store donates all its day-old bakery goods, leftover produce, and plastic and brown paper bags to the food pantry, saving it several hundred dollars each month. The store also plays a significant role in advertising the needs of the food pantry, especially during holidays.
- Any food product procured with EFAP funding is intended solely for private consumption by eligible recipients. The sale, trade, exchange or other disposal of these foods for personal gain is strictly prohibited.

PROCUREMENT REQUIREMENTS

POL – 500.5 Procurement Requirements

This policy applies to Food Pantry Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry. WSDA monitors for compliance with this policy.

1. Personal Property Procurement

For this policy "personal property" means property of any kind except real property. For this policy, "equipment" means tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

Contractors must notify and get prior approval from WSDA when using funds from this Contract to purchase equipment when the cost is expected to equal or exceed \$5,000 per unit. Equipment Procurement Requirements and Guidelines (AGR PUB 609-454) and the FAP Equipment Purchase Request/Approval Form (AGR FORM 609-2204) can be found on the WSDA, Food Assistance Programs website at: http://agr.wa.gov/FoodProg/Forms.aspx.
Contractors must fill this out for purchases they or their Subcontractors wish to make regardless of the percentage the Food Assistance Programs (FAP) is paying of the total cost. Contractors, Subcontractors, and tribes shall establish written procurement procedures, which should include at least the following:

- All procurement transactions shall be conducted in a manner to provide to the maximum extent practical, open and free competition.
- Where appropriate, an analysis is made of lease and purchase alternatives to determine
 which would be the most economical and practical procurement when using FAP funds,
 and to assure the avoidance of purchasing unnecessary or duplicative items.
- Solicitations for goods and services shall provide a clear and accurate description of the technical requirements for the material, product or service to be procured.
- Procurement records for purchases shall include the following at a minimum: (a) basis for Contractor selection, (b) justification for lack of competition when competitive bids or offers are not obtained, and (c) basis for award cost or price.
- Purchasing Agreements shall be made only with responsible vendors under the term and
 conditions of the proposed procurement. Consideration shall be given to such matters as
 the vendors' integrity, record of past performance, financial and technical resources or
 accessibility to other necessary resources. In certain circumstances, purchasing
 agreements with certain parties are restricted by vendors' implementation of "Debarment
 and Suspension."
- Subcontractors must submit to the Contractor any related procurement documents, justification for non-competitive procurement, if applicable, in order to receive reimbursement from FAP funds.
- Real property (land, land improvements, structures and appurtenances/fixtures) is considered an unallowable cost

PROPERTY MANAGEMENT AND INVENTORY

POL – 500.6 Property Management and Inventory

This policy applies to Food Pantry Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry. WSDA monitors for compliance with this policy.

For this policy "personal property" means property of any kind except real property. For this policy "equipment" means tangible nonexpendable personal property having a useful life of more than one year and an acquisition cost of \$5000 or more per unit.

The Washington State Administrative & Accounting Manual (SAAM) defines the state's capitalization policy as assets with a unit cost (including ancillary costs) of \$5,000 or greater, or collections with a total cost of \$5,000 or greater. Consequently, components valued less than \$5,000 but are pieces of a larger system valued over \$5,000 are determined to be equipment. (Refer to <u>SAAM</u> 30.20.20).

1. Equipment Inventory Policy Required

- Contractor and Subcontractors, including Food Banks shall have an inventory policy in
 place for nonexpendable personal property that adequately addresses how to track all
 nonexpendable personal property inventories.
- Contractors shall have a method for tracking inventory purchased by their Subcontractors
 with FAP funding in order to assure that all appropriate equipment is listed on FAP's
 inventory closeout report each year.
- Subcontractors shall have a method for tracking FAP purchased nonexpendable personal property.
- A physical inventory of the property purchased with FAP funds must be taken and the results reconciled with the property records at least once every year.
- A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft shall be investigated.
- Adequate maintenance procedures must be developed to keep the property in good condition.
- If the agency is authorized to sell the property, proper sales procedures must be established to ensure the highest possible return.
- Contractors shall follow proper procedures for the disposition of equipment purchased with FAP funds. (See Part 3 of this policy.)

2. Annual Reporting of Equipment

• All Contractors must report at the end of each fiscal year on the FAP Annual Inventory Report (AGR FORM 609-2201) of nonexpendable personal property and equipment with

PROPERTY MANAGEMENT AND INVENTORY

- an acquisition cost of \$5,000 or more that was purchased using in part or entirely with FAP funds.
- Contractors are responsible for reporting Subcontractors' applicable equipment inventory on the FAP Annual Inventory Report.
- Equipment reporting is based on the acquisition date and has no ending date for the FAP Annual Inventory Report until disposition occurs.
- Equipment records shall be maintained accurately and shall include the following information:
 - o Date of purchase
 - o A description of the equipment.
 - o Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.
 - Condition of equipment
 - o Equipment cost.
 - FAP percentage of total cost. Include each applicable FAP program code and percentage.
 - o Name of agency that owns equipment, physical location including city.
 - Ultimate disposition data, including what type of disposition it was (sold, traded, etc.), date of disposition and sales price or the method used to determine current fair market value where a program compensates the State for its share, if applicable.

3. <u>Disposition of Personal Property and Equipment</u>

If a Contractor or their Subcontractor has no further need in its emergency food program for equipment purchased in part or in full with WSDA FAP funds, disposition shall be made as follows:

Equipment/Personal Property that has a current market value <u>UNDER</u> \$ 5,000:

- For equipment with a <u>current</u> fair market value of less than \$5,000 per unit, the Contractor (and on behalf of Subcontractors) determines the disposition and updates the FAP Annual Inventory Report (AGR FORM 609-2201) to reflect final disposition status in the disposition section of the report. Contractor shall maintain applicable documentation.
- If current fair market value is under \$5,000, WSDA encourages the Contractor, if the equipment is in good working condition, to see if another emergency food provider can use it.

Equipment/Personal Property that has a current market value OVER \$5,000:

• For equipment with a <u>current</u> fair market value of \$5,000 or more per unit, the Contractor and on behalf of their Subcontractors must submit the FAP Equipment Disposal Request /

PROPERTY MANAGEMENT AND INVENTORY

- Approval Form (AGR FORM 609-2203), to WSDA for prior approval. Instructions can be found in the Equipment Disposition Requirements (Publication No. 609-452). Disposition may not occur until authorization is obtained from WSDA. Both the instructions and form may be downloaded from the FAP website at http://agr.wa.gov/FoodProg/Form.aspx.
- Disposition status will be updated on the WSDA FAP Annual Inventory Report (AGR FORM 609-2201) that the Contractor provides to WSDA annually as part of the WSDA FAP Closeout Report.
- When acquiring replacement equipment, the agency may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment without approval of WSDA regardless of the current value of the equipment.
- Disposition of equipment with current fair market value of \$5,000 or more is at the state's
 discretion and is dependent upon the value, condition, and whether the equipment can be
 used to further service other programs. The method of disposition is determined on a
 case-by-case basis which may include:
 - Contractor compensates WSDA by applying the percentage of WSDA's
 contribution towards the original purchase price of the item to the current fair
 market value of the equipment if WSDA determines that the Contractor or
 Subcontractor is not keeping the equipment to use in an eligible program or using
 as a trade-in.
 - Contractor compensates WSDA by applying the above same formula to the selling price of the item if the Contractor or Subcontractor sells the equipment.
 Contractor may keep \$500 from WSDA's share or ten percent of the proceeds; whichever is less, for costs involved in selling the equipment if not using it for the purchase of another piece of equipment for use in an eligible program. In the latter case, Contractor or Subcontractor may use the entire proceeds of the sale for the new purchase.
- When determining the method of disposition, the following questions could be used for disposition consideration by WSDA or by Contractors with Subcontractors:
 - What is the best interest for all parties?
 - o How serviceable is the equipment?
 - Who, if anyone, can make the best use of the equipment in serving clients or continuing the service?
 - How much residual value does the equipment actually have based upon an appraisal by a disinterested party?

WRITTEN CLIENT PRIVACY REQUIREMENTS

POL – 500.7 Written Client Privacy Standards Requirements

This procedure applies to Contractors, Subcontractors and Tribal Contractors using EFAP funds for a food pantry.

1. Contractors and Subcontractors Must Have Written Client Privacy Standards

All providers must respect the privacy of clients. Personal information collected, used or acquired in connection with providing emergency food services must be used only for the purpose of those programs.

- Personal information includes any information that identifies an individual's health, education, business, use or receipt of governmental services, names, addresses, age, telephone numbers, social security numbers, driver's license numbers and finances including financial profiles, credit card numbers or other identifying numbers.
- Contractors and Subcontractors with direct client contact must have written client privacy policies on file.
 - Prior to receiving services or reimbursement, Subcontractors must have on file with the Contractor copies of their client privacy policies.
- One cannot release, divulge, publish, transfer, sell or otherwise make known to
 unauthorized persons the personal information without express written consent of the
 client or as provided by law.
- Providers who make referrals for clients must have a copy of the client release form on file with the Contractor.
- Written consent from the client shall include what client information can be shared and to whom or which agencies/businesses. For a sample client release for, please refer to the Biennial EFAP Application Handbook (AGR 609-457) located on the FAP website at http://agr.wa.gov/FoodProg/Forms.aspx.
- Providers agree to implement physical, electronic and managerial safeguards to prevent unauthorized access to personal information.

2. Monitoring by WSDA of Personal Information Collected

- WSDA reserves the right to monitor, audit or investigate the use of personal information collected, used or acquired by the Contractor. Not properly maintaining clients' private information could result in termination of Contract or Subcontract.
- Contractor shall agree to indemnify and hold harmless WSDA for any damages related to the Contractor's unauthorized use of personal information.
- Contractor shall monitor the use of personal information collected by Subcontractors.
- Subcontractors shall agree to indemnify and hold harmless the Contractor for any damages related to the Subcontractor's unauthorized use of personal information.

CONTRACTOR RESPONSIBILITIES

POL – 500.8 Contractor Responsibilities

This policy applies to Non-Tribal Contractors with Subcontractors.

1. <u>Contractors with Subcontractors Must Take Action to Correct Subcontractors'</u> Performance

- Contractor shall take action to correct any Subcontractor noncompliance in conformance with the Program Requirements for each Program under which the Subcontractor receives food or funds.
- Contractors may give a Subcontractor a specific period of time to comply and shall follow
 the process for suspending or terminating a Subcontractor as outlined in Paragraph 21 of
 the Food Bank Subcontract and Food Pantry Subcontract when a Subcontractor does not
 comply within that given timeframe.

2. <u>Contractors Shall Conduct Program Reviews of Subcontractors' Performance</u>

- Contractors shall review Subcontractors' activities to assure they are following WSDA policies. This includes:
 - Verifying that Subcontractor meet all criteria listed in **Policy 400.4.**
 - Verifying all EFAP expenditures are appropriate and reported monthly, and that other applicable policies are followed.
- Contractors shall conduct program reviews of Subcontractors at least once per Contract period (once every other year).
- Contractors shall produce a written report summarizing their program review visits with any corrective action needed.
- Contractors shall follow up on any findings and make a notation in the Subcontractor's file
 of corrective action.

3. Contractors May Reallocate Funds Among Food Pantries Within a County.

- At any time during the Contract, a non-tribal Contractor or participating food pantry may request a reallocation of funds in a given county if need among the existing participating food pantries change.
- All parties affected by the reallocation must agree to the shifting of funds with the
 exception of termination of a food pantry for noncompliance or nonperformance and that
 food pantry's remaining funds are being reallocated.
- Reallocations among food pantries within a given county do not need the permission of WSDA.

CONTRACTOR RESPONSIBILITIES

• Contractors must notify WSDA in writing, explain the reason for the reallocation, and provide verification that the parties involved were in agreement.

4. Contractors May Add New Participating Food Pantries

- During Application Process: New non-tribal, eligible food pantries requesting EFAP funds during the application process must be funded unless it is determined they provide a duplication of service.
 - In determining duplication of service, the Contractor and participating food pantries should consider what other services the new food pantry would provide, the proximity of other food pantries (if it is a hardship for clients to get to the currently funded food pantries) whether the new food pantry serves a different clientele, whether or not the hours the adjacent food pantries are open could complement each other, does the new food pantries have access to different kinds of food, etc.
 - Two-thirds of the currently participating food pantries and Contractor must vote that there is a duplication of service.
 - For more information on the application process, please refer to the Biennial EFAP Application Handbook (AGR 609-457) located on the FAP website at http://agr.wa.gov/FoodProg/Forms.aspx.
- **During the Contract Period:** The Contractor for the food pantry program may add additional food pantries in its region any time during the Contract period, after the subcontracts are in place.
 - The Contractor must have the support of two-thirds of the participating food pantries for the addition. Duplication of services may be a justification for not adding a new food pantry
 - The Contractor must submit documentation of the required consent to WSDA.

5. Contractor May Reallocate Funds When a Food Pantry Closes or Terminated

- During the Contract period the Contractor may reallocate the funds of a closed or terminated food pantry to the remaining Subcontractor according to the allocation formula used during the application process without a vote of the remaining food pantries.
- The Contractor may elect to hold a meeting with the remaining food pantries to determine the best use of the funds. This could include such decisions as giving the funding to the food pantry(ies) closest to the closing /terminated food pantry or spending the funds on

CONTRACTOR RESPONSIBILITIES

- some purchase that would benefit all providers such as a group food purchase or equipment purchase.
- The Contractor must have the support of two-thirds of the participating food pantries when distributing the funds differently than the original allocation formula.
- Contractors must notify WSDA in writing the result of the reallocation, and if applicable, provide verification that the parties involved were in agreement of reallocation.

WSDA PROGRAM MANAGEMENT

POL – 600.1 WSDA Program Management and Administration

This policy applies to the WSDA staff when carrying out the duties and responsibilities of the Emergency Food Assistance Program.

1. The WSDA Staff Shall Monitor Contracts

WSDA staff shall conduct monitoring of Contractors by evaluating monthly submitted expenditure reports and responses to other requests that includes program reviews on-site or by a desk program review. At any time, the WSDA may request a Contractor to send in any and all supporting documentation for expenditures.

- WSDA staff will generally conduct program reviews every four years with Contractors who are performing at an adequate level.
- Contractors that have serious performance issues will have a program review more often if warranted.
- Program reviews can be either on-site or by a desk review.
- Contractors with EFAP budgets of less than \$20,000 per year will receive desk reviews unless there are serious performance issues.
- If a Contractor violates any of the more critical conditions set forth in the Contract, WSDA staff may conduct a site visit to investigate the violation.

2. <u>On-Site Program Reviews</u>

- WSDA staff will try to schedule site visits at least two weeks prior to the visit by sending a written notice to the program and fiscal staff who will be involved in the visit. Written notice may also be sent to the director.
- Documentation may be requested ahead of time for review in the office by WSDA staff or be reviewed on site.
- WSDA Staff will perform an exit interview at the end of the visit where findings, exemplary performance and other concerns will be reviewed and recommendations for change and improvements made to the Contractor, preferably with the director and program staff.
- Within 30 days of the visit, WSDA staff will prepare a formal written report with the results and recommendations consistent with the exit interview discussion. A copy of the written report will be sent to the Contractor's executive director or tribal chairperson with a copy to program and fiscal staff. The WSDA will keep a copy of the report on file.
- If necessary, WSDA staff will develop an action plan with the Contractor, including due
 dates of responses, to ensure that identified findings are addressed in a timely and
 appropriate manner.

WSDA PROGRAM MANAGEMENT

3. <u>Desk Program Reviews</u>

- The WSDA staff will request Contractors to submit documentation for review. The review will be done at the desk of the staff responsible for the Contract.
- Staff will review the submitted documentation for Contract compliance, allowable
 activities and expenses. WSDA staff will communicate with Contractor's staff should
 questions or clarifications be necessary.
- Within 30 days of completing the desk review, staff will prepare a formal written report with the results and recommendations of the review. A copy of the report will be sent to the Contractor's executive director or tribal chairperson with a copy to the program and fiscal staff. The WSDA keeps a copy of the report on file.
- If necessary, WSDA staff will develop an action plan, including due dates of responses, with the Contractor to ensure that identified findings are addressed in a timely and appropriate manner.

4. WSDA Staff Shall Offer Technical Assistance to Contractor

WSDA staff shall offer technical assistance to Contractor when needed. This includes information on program-related policies and procedures, helping to identify other resources, offering information on best practices and assistance with fiscal issues. When necessary, staff will conduct an on-site visit to provide this service.

CONTRACT COMPLIANCE

POL – 600.2 Contract Compliance

This policy applies to Contractors, Subcontractors, and Tribal Contractors using EFAP Funds for a food pantry.

1. WSDA May Recapture and Reallocate Contract Funds

The WSDA reviews the Contractor's level of actual performance over the course of the Contract and after nine months of each fiscal year.

If Contractors fail to achieve 65 percent of their yearly performance goals (expenditures and activities) stated on the Contract face sheet by March 31, the WSDA may reduce funds available based on actual performance and negotiation between the WSDA and the Contractor.

- Contractors may also reallocate funds from one of its subcontracting food pantries to another, with the WSDA's permission, if a Subcontractor does not claim, or only partially spends, its portion of the allocated funds.
- The WSDA may recapture unclaimed funds if a Contractor does not submit expenditure reports in a timely manner.
 - For monthly billers (tribes or food pantries), if the Contractor fails to file an
 expenditure report within any two consecutive month period, the WSDA may
 elect to terminate the Contract.
 - For quarterly billers (tribes only), if the Contractor fails to file the three monthly expenditure reports for the quarter within 30 days of the end of the quarter, the WSDA may elect to terminate the Contract.
- Contractors may recapture unclaimed funds or terminate the Subcontract with Subcontractors based on the same criteria.

2. Either Party May Terminate the Contract

Either party may terminate Contract in whole or in part upon thirty 30 days written notice, regardless of whether termination is for cause or at will.

3. WSDA May Suspend or Terminate Contractor Funds

- If WSDA determines to terminate because of Contractor's failure to comply with the Contract (termination for cause), WSDA may provide notice and offer Contractor the opportunity to correct the noncompliance. The notice will provide a time by which the Contractor must return to compliance.
- If Contractor fails to correct the noncompliance within the time WSDA allows, WSDA may then immediately terminate the Contract.

CONTRACT COMPLIANCE

- If WSDA terminates the Contract for cause, Contractor may request a dispute review as provided under Paragraph 18, Disputes, of the General Terms and Conditions of the Contract.
- As an alternative to termination, WSDA may suspend the Contract in whole or in part, effective upon Contractor's receipt of notice of suspension.
- If WSDA suspends the Contract because of Contractor's failure to comply with the Contract, WSDA may provide opportunity for Contractor to correct the noncompliance during the period of suspension.
- WSDA will not pay any costs associated with suspended work from the time Contractor receives notice of suspension until the time Contractor receives notice from WSDA to resume work.
- WSDA may terminate Contract at any time during a period of suspension.
- Action to suspend or terminate funding will be taken if repeated communication with the agency's governing board fails to produce corrective action.
- WSDA shall follow the process for suspension and termination as provided in Paragraph 47, sections 47.3 through 47.5 of the Contract.
- Contractor shall refund WSDA for any misuse or loss of funds or food received by Contractor under the Contract, regardless of whether Contractor has further distributed the funds or food.

4. Contractors May Suspend or Terminate Subcontractors Funds

Contractors may suspend or terminate funding to Subcontracting food banks and food pantries according to the above criteria and their corrective action policy. The Contractor must notify the WSDA prior to taking any corrective action.

5. <u>Selecting a New Contractor and Food Bank Within the Same County(ies) During a Contract Period</u>

- If WSDA terminates a Contractor during a Contract period, a new Contractor must be selected for the remainder of the Contract period.
- Only current Contractors or Subcontractors will be considered to be eligible as the new Contractor for the affected county or counties for the remainder of the current biennium's Contract. WSDA will determine prospective Contractor's eligibility. (See POL 400.3 for the criteria used to determine prospective Contractors.)
- If the Contractor is also the food bank for the same county(ies) WSDA will also make a determination about whether its food bank Subcontract will be terminated.
- If the food bank Subcontract is terminated, WSDA will make a determination as to which current food banks are eligible to be the food bank for the new county(ies).
- WSDA will contact the food pantries in the county(ies) to inform them that a new Contractor (and food bank) must be selected.

CONTRACT COMPLIANCE

- WSDA will bring together the food pantries, and potential Contractors and food banks for a community meeting to select the new Contractor (and food bank).
- Two-thirds of the food pantries in each county must select the new Contractor and food bank(s).
- See POL 400.2, Section 2 on selecting a Contractor during the application process, as this process will also be used in this circumstance.
- WSDA will enter into a Contract with the new Contractor.
- The new Contractor will enter into new Subcontracts with the food pantries and with the continuing or new food bank, if any.

6. Selecting a New Food Bank That is Not Also the Contractor

- After the Contractor has notified WSDA and then terminated a food bank during a contract period, a new food bank must be selected for the remainder of the Contract period.
- Contractor will identify potential food banks and determine their eligibility to be a subcontracting food bank. See POL 400.5. WSDA can provide assistance in determining potential food banks.
- Contractor will notify the food pantries of the termination and schedule a community meeting to select a new food bank.
- The Contractor must call the subcontracting food pantries to a community meeting to select a new Food Bank, and invite the potential food banks.
- The food pantries and Contractor will select their new food bank with a two-thirds vote.
- See POL 400.2, Section 2 on selecting a food bank during the application process, as this process is still the same.
- The Contractor will enter into a Subcontract with the new food bank and notify WSDA of the outcome of the meeting.

DISPUTE POLICY FOR CONTRACTORS

POL – 700.1 Dispute Policy for Contractors

This policy applies to Contractors, Contractor Applicants and Tribal Contractors using EFAP funds for a food pantry.

When a dispute arises between the Parties that cannot be resolved by direct negotiation, either party may request review by WSDA's Director, who may designate another neutral person to hear the dispute, as follows:

1. Disputing a WSDA Food Assistance Programs' (FAP) Decision

- Contractors may appeal to WSDA any substantive decision of FAP to deny, award, recapture, reallocate, suspend or terminate funds that is believed to be to be unfair, unreasonable, or have a major adverse impact on local delivery of services.
- FAP must provide Contractors with a copy of the dispute policy prior to or with any substantive decision.
- Any decision of FAP to deny, award, recapture, reallocate, suspend or terminate funds will stand until the dispute review process is completed and will only be modified or reversed as a result of the dispute review process.

2. The Contractor Dispute Review Process

- The request must:
 - Be written,
 - o Identify the Contractor's name, address and the Contract number (if one),
 - State the disputed issues,
 - o State each Party's position,
 - Be mailed to the Director, with a copy to the other Party's representative ("respondent") within fifteen 15 working days after the Parties agree that they cannot resolve the issue.
- The respondent shall submit a written answer to the request to both the Director or the Director's designee and the requestor within ten 10 working days.
- The Director or Director's designee shall review the written statements and provide a decision in writing to both Parties within fifteen 15 working days.
- At the discretion of the Director or Director's designee, the time in which to make a decision may be extended upon notice to both Parties.
- The decision of the Director or the Director's designee shall be the final agency decision.
- The Parties shall attempt to resolve the dispute under this policy and as in the Contract, Paragraph 18 before filing a claim in any tribunal.

DISPUTE POLICY FOR SUBCONTRACTORS

POL – 700.2 Dispute Policy for Subcontractors

This policy applies to Contractors and their Subcontractors.

When a dispute arises between the Contractor and a Subcontractor that cannot be resolved by direct negotiation, either party may request a review of the decision.

1. The Contractor Shall Establish a Dispute Process

The Contractor shall establish a process similar to that between WSDA and the Contractor in Policy 700.1 for when disputes arise between the Contractor and a Subcontractor. The Contractor shall have its dispute process completed no later than 30 days after execution of the Subcontract.

2. The Contractor must provide this dispute process in writing to all Subcontractors

The Contractor shall provide a copy of the dispute process to all Subcontractors at the beginning of each new Contract period.

FAP FORMS & PUBLICATIONS

Food Assistance Programs Forms & Publications

Available for download on the Food Assistance Programs Website at: http://agr.wa.gov/FoodProg/Forms.aspx.

Accounting / Audit Forms:

- Accounting System Verification Form (AGR FORM 609-2206)
- Food Assistance Programs Single Audit Exemption Form (AGR FORM 609-2207)
- Food Assistance Programs Audit Requirement Form For Subcontractors (AGR FORM 609-2217)

EFAP Invoice Templates:

- EFAP Lead Contractor Invoice Template (AGR FORM 609-2229)
- EFAP Subcontractor Invoice Template Electronic formulas(AGR FORM 609-2226A)
- EFAP Subcontractor Invoice Template Fill in by hand no formulas (AGR FORM 609-2226B)

Equipment Guidelines and Forms:

- Equipment Procurement Requirements and Guidelines (Publication No. 609-454)
- FAP Equipment Purchase Request / Approval Form (AGR FORM 609-2204)
- FAP Equipment Disposition Requirements (Publication No. 609-2204)
- FAP Equipment Disposal Request / Approval Form (AGR FORM 609-2203)

EFAP Application Documents:

- Biennial EFAP Application Handbook (Publication No. AGR 609-457)
- EFAP 2015-2017 Biennial Application (AGR FORM 609-2205)
- EFAP Allocation Table (AGR PUB 609-459)
- Required EFAP Biennial Meeting Handout (Publication No. 609-460)

EFAP Tribal Food Pantry Application Documents:

- EFAP Tribal Food Pantry Application (AGR FORM 609-2211)
- EFAP Tribal Allocations (AGR PUB 609-470)

EFAP Food Pantry Closeout Documents:

- EFAP Lead Contractor Close-Out Report Instructions (AGR PUB 609-471)
- EFAP Lead Contractor Close-Out Report (AGR FORM 609-2220)
- EFAP Food Bank Subcontractor Close-Out Report Instructions (AGR PUB 609-472)
- EFAP Food Bank Subcontractor Close-Out Report (AGR FORM 609-2218)
- EFAP Food Pantry Subcontractor Close-Out Report Instructions (AGR PUB 609-473)
- EFAP Food Pantry Subcontractor Close-Out Report (AGR FORM 609-2219)

EFAP Tribal Food Pantry Closeout Documents:

- EFAP Tribal Food Pantry Program Close-Out Report Instructions (AGR PUB 609-475)
- EFAP Tribal Food Pantry Program Close-Out Report (AGR FORM 609-2221)

FAP FORMS & PUBLICATIONS

EFAP Subcontract Templates:

- EFAP Food Bank Subcontract (AGR FORM 609-2209)
- EFAP Food Pantry Subcontract (AGR FORM 609-2208)

Available for download on the Food Assistance Programs Website at: $\underline{ \text{http://agr.wa.gov/FoodProg/HelpfulInformation.aspx}} \ .$

FAP Contractor Information:

- WSDA Regional Representative Listing by Lead Contractor (AGR PUB 609-464)
- Food Assistance Programs Regional Representative Map (AGR PUB 609-449)

Helpful Links:

- IRS Exempt Organizations Listing
- Secretary Of State
- System For Award Management (SAM)
- DUNS Number
- Ecotrust Food Hub
- Uniform Administrative Requirements, Cost Principals, and Audit Requirements for Federal Awards